

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HILDEFONSO B. LUJANO, an individual  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

GREIF, INC., *et al*,

Defendants.

Case No. 1:25-cv-00102-KES-BAM

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION WITHOUT PREJUDICE FOR  
FAILURE TO OBEY A COURT ORDER  
AND FOR FAILURE TO PROSECUTE

(Doc. 17)

ORDER SETTING SCHEDULING  
CONFERENCE

Plaintiff Hildefonso B. Lujano, individually and on behalf of all others similarly situated, initiated this putative class action against defendants Greif, Inc, Greif Packaging LLC (incorrectly named as Greif Packing LLC), and Liz Corona in the Merced County Superior Court on June 28, 2024. Defendants Greif, Inc. and Greif Packaging LLC removed the action to this Court on January 23, 2025. (Doc. 1.)

On May 29, 2025, the Court held a status conference to address service of the complaint on defendant Liz Corona and Plaintiff's anticipated motion to remand. (Doc. 12.) At the conference, Plaintiff indicated that leave to amend would be sought to name a different individual defendant, Ricardo Torres. (*Id.*) The Court therefore directed Plaintiff to file any motion to amend the complaint to name Ricardo Torres as a defendant on or before June 30, 2025. (Doc. 12.) In lieu of filing a motion to amend (or stipulation to amend), Plaintiff filed a first amended

1 complaint on June 30, 2025. (Doc. 13.)

2 On July 2, 2025, the Court struck Plaintiff's first amended complaint because it did not  
3 comply with Federal Rule of Civil Procedure 15. (Doc. 15.) The Court directed Plaintiff to either  
4 file a motion for leave to amend his complaint or file a stipulation with defendants' consent. (*Id.*)

5 Plaintiff failed to file a motion to amend or a stipulation. Accordingly, on November 18,  
6 2025, the Court issued an order directing Plaintiff, within fourteen days, to show cause in writing  
7 why the action should not be dismissed for failure to obey a court order and for failure to  
8 prosecute. (Doc. 16.) The Court informed Plaintiff that he could comply with the show cause  
9 order by filing either a motion for leave to amend or a stipulation to amend his complaint.  
10 Plaintiff was cautioned that failure to comply with the order could result in the imposition of  
11 sanctions, including terminating sanctions. (*Id.*)

12 Plaintiff failed to respond to the Court's show cause order. Therefore, on December 5,  
13 2025, the Court issued findings and recommendations to dismiss this action without prejudice  
14 based on the failure to obey a court order and for Plaintiff's failure to prosecute this action. (Doc.  
15 17.) The findings and recommendations were served on the parties and contained notice that any  
16 objections thereto were to be filed within fourteen (14) days. (*Id.*) Plaintiff filed objections on  
17 December 19, 2025. (Doc. 18.)

18 According to the objections, after receiving the Court's clarified instruction in July 2025,  
19 Plaintiff determined that a motion to amend and to name Ricardo Torres would likely be futile.  
20 Plaintiff did not intuit that it was necessary to inform the Court of the decision to not file an  
21 amended complaint. Plaintiff now understands that this should have been communicated to the  
22 Court when decided. (Doc. 18 at 2.) Further, Plaintiff regrets the oversight of the Court's show  
23 cause order, explaining that family and personal medical complications lead to counsel missing  
24 the order. (*Id.*) Had counsel processed the Court's show cause order in a timely manner, then  
25 Plaintiff would have understood that "a declaration of intention to proceed without amendment or  
26 an updated status report should have been filed." (*Id.* at 5.) Plaintiff's counsel requests that  
27 Plaintiff not be penalized for counsel's inadvertent failure to receive the Court's order in a timely  
28 manner. (*Id.* at 6.)

1 Additionally, Plaintiff points out that there remains an operative complaint in this action,  
2 and that defendants have been served and are on notice of the claims against them. (Doc. 18 at  
3 4.) Plaintiff remains committed to seeking redress for those claims and requests the Court  
4 schedule a further status conference to set dates for discovery, class certification, and dispositive  
5 motions.<sup>1</sup> (*Id.* at 6.)

6 Having considered Plaintiff's objections, the Court finds a response from defendants  
7 unnecessary. The Findings and Recommendations issued on December 19, 2025, are HEREBY  
8 VACATED. The Court sets a SCHEDULING CONFERENCE for **February 19, 2026, at 10:00**  
9 **a.m. in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe**. The parties  
10 shall file a Joint Scheduling Report at least seven (7) days prior to the conference.

11  
12 IT IS SO ORDERED.

13 Dated: December 22, 2025

14 /s/ Barbara A. McAuliffe  
15 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>1</sup> According to the objections, Plaintiff was employed by defendants through at least September  
26 29, 2025. (Doc. 18 at 4.) Defendants reportedly obtained a release and waiver of all claims by  
27 Plaintiff on September 29, 2025, without notice to Plaintiff's counsel. Plaintiff now intends to  
28 oppose any attempt to enforce the purported release and waiver, claiming it is void and  
unenforceable. (*Id.* at 6.) The Court declines to address either the purported release and waiver  
or any challenge to such release and waiver at this time.